Permit

ENTERED

Kieling, John, NMENV

From: John Ahlquist [john.ahlquist@sbcglobal.net]
Sent: Thursday, January 10, 2008 4:40 PM
To: Kieling, John, NMENV
Subject: LANL Draft Permit

Attachments: 2640058018-LANL RCRA permit comments JA.doc

LANL RCRA permit comments JA.d...

Dear Mr. Kieling:

My comments on the draft LANL RCRA permit are below.
They are also attached as a Word document if that is easier for you.

Thank you for the opportunity to comment on this permit and best wishes in moving the permit forward.

A. John Ahlquist

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COMMENTS ON THE DRAFT RCRA PERMIT FOR
THE LOS ALAMOS NATIONAL LABORATORY
by A. John Ahlquist
January 10, 2008

The fundamental question in the permitting process for a Resource Conservation and Recovery Act [RCRA] permit for the Los Alamos National Laboratory [LANL] is "Is the New Mexico Environment Department [NMED] capable of upholding its obligations under the delegation of RCRA authority to NMED from the Environmental Protection Agency [EPA]?" Based on past performance, the answer is "No!" Without a fundamental change in how NMED evaluates, reviews, and issues permits for federal facilities, NMED should voluntarily turn back its authority to the EPA for its management of RCRA permitting for federal facilities. The basis for these concerns follows:

1. The draft permit was issued for public comment on August 27, 2007 or about NINE years late. The re-permitting process began in 1996 for a permit set to expire in November 1999. A draft permit for comment should have been issued in 1998 to give time for public comment and drafting of the permit for issuance in 1999.

2. The eleven-year [so far] permitting process involved 1.5 MILLION pages of administrative record to date with more to come. NMED must be incredibly risk averse to spend so much time requiring so much of an applicant and then reviewing all this material in order to make a decision. Such risk aversion and subsequent information requirements are sure to cause confusion in any applicant.

3. For self-inflicted burdens such as 1.5 million pages of material [500 boxes if put into binders], NMED does not have the staff to properly review and write permits in a timely manner nor is NMED likely to get State funding to have the huge staff required for such a permitting process.

4. The costs to LANL and the State for such a process are likely to be in the tens to hundreds of million dollars - mostly wasted taxpayer money.

Please provide what NMED considers to be staffing needs to properly manage permits in this manner, what would the costs be and where this funding would come from. Please provide what the costs have been for this permit for both LANL and NMED.

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The NMED effort for writing the RCRA permit for Sandia National Laboratory Albuquerque [SNLA] should be compared to that for the LANL permit and made public.
Since SNLA and LANL are similar institutions as far as complexity of hazardous waste permitting, there should not be a huge discrepancy in permitting effort. If there is, then why is one federal institution singled out over the other?

Please provide any plans for changes to the RCRA permitting process for federal facilities for future permitting efforts.

Additionally, on page 17 of the NMED fact sheet announcing this public comment period, NMED "requires the Permittees to close MDAs G, H, and in their entirety under this permit." Since Area G is primarily devoted to radioactive waste, what is the NMED's authority to make such a requirement? Has the Nuclear Regulatory Commission delegated such authority to the State? Please provide under which authority such a requirement can be put on the permit. Provide NMED's proposed solution to radioactive waste disposal at LANL if Area G were closed and an evaluation of the impacts of such a decision.

In summary, without a fundamental change in the RCRA permitting process by NMED for federal facilities, NMED should voluntarily turn back RCRA permitting authority to the EPA. NMED would still have a strong advisory role but would be relieved of the burden of permitting which has caused great anxiety, anguish and expense to both NMED and LANL. The public would benefit from improved timeliness, better clarity of the process and likely a higher quality permit to protect the employees a

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